IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Crl.Rev.Pet.No. 308 of 2000()

CRA.232/1996 of ADDL.SESSIONS COURT, THALASSERY
CC.924/1993 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, KANNUR .

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REVN. PETITIONER: APPELLANT/ACCUSED

K.PRASANTH S/O.VALSAN,
PALLIKKUNNU AMSOM, NEAR CHALAD,
JAYANTHI ROAD, KANNUR

BY ADV. SRI.V.RAJAGOPAL

RESPONDENT: RESPONDENT/ COMPLAINANT

STATE REP.BY S.H.O., KANNUR,
TOWN POLICE STATION THROUGH PUBLIC PROSECUTOR, HIGH COURT , ERNAKULAM

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP.NO.308/2000

ORDER ON CRL.MP. NO.1851/2000 IN CRL.RP. NO.308/20000

DISMISSED

19.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A.TO JUDGE

tss

K.R.UDAYABHANU, J

Crl.R.P.No.308 of 2000

Dated this the 19th day of July, 2007

O R D E R

The revision petitioner is the accused who stands convicted for the offence under Section 324 IPC and sentenced to undergo R.I. for one year.

2. The prosecution case is that on 14.8.1992, at about 12.45 noon, the accused attacked CWs' 1 and 2/PWs' 2 and 3, the father and the son, with a cycle chain on account of a prior enmity.

3. The evidence adduced in the matter consisted the testimony of PWs' 1 to 7 and Exts. P1 to P5. PW1 is an occurrence witness. PW7 is the doctor who issued Exts. P4 and P5 wound certificates. I find that both the courts below have considered meticulously the evidence adduced in the matter. No material contradiction with respect to the statement of the above witnesses i.e., PWs' 1 to 3 could be brought out. The contention raised that there was no pattern of cycle chain on the body of the injured that it has not been noted by PW7, the doctor, has been

considered by the court below in detail and discarded.

4. The conviction is confirmed. Considering the plea of the counsel for the revision petitioner that about 15 years have elapsed since the commencement of the proceedings, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.7500/- to PW2, the defacto complainant and in default, to undergo simple imprisonment for one month. Revision petitioner is granted two months' time to remit the compensation amount. He shall appear before the Judicial First Class Magistrate Court-II, Kannur on 25.9.2007 to receive sentence.

The Crl.R.P. is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl